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## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENOC MARTINEZ LOPEZ, et al.,

Defendants.

CASE NO. 2:22-cr-00211-LK

ORDER GRANTING IN PART MOTION TO CONTINUE TRIAL AND PRETRIAL MOTIONS DATES

This matter comes before the Court on the Joint Stipulated Motion to Continue Trial and Pretrial Motions Dates filed by the Government and Defendants Enoc Martinez Lopez and Casey Landis. Dkt. No. 52. They seek to continue the trial date from January 30, 2023 to September 25, 2023, and to continue the pretrial motions deadline to August 28, 2023. *Id.* at 1.

They request a new trial date of September 25, 2023 because the discovery produced is extensive, the charges are serious—carrying up to a 10-year mandatory minimum prison term—and "it would be difficult for the defense to be prepared for trial at an earlier date" given those facts and their schedules. *Id.* at 2. Mr. Landis has waived his right to a speedy trial through October 30, 2023, Dkt. No. 53, and Mr. Martinez Lopez has waived his right to a speedy trial through

October 31, 2023, Dkt. No. 54. The motion is not joined or opposed by the other three Defendants who have been indicted, *see* Dkt. No. 28 at 1, but have not yet made their initial appearances.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and Defendants in any speedier trial. Specifically, the Court finds that failure to grant the requested continuance would likely result in a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, due to counsel's need for more time to investigate the matter, gather evidence material to the defense, consider possible defenses, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time requested is a reasonable period of delay and will be necessary to provide counsel and Defendants reasonable time to accomplish the above tasks.

With respect to the parties' request to continue the pretrial motions deadline, the Court typically requires pretrial motions to be filed at least six weeks prior to trial. The parties set forth no reason why they would not be able to file pretrial motions by that time.

For these reasons, the Court GRANTS IN PART the motion, Dkt. No. 52, and ORDERS that the trial date shall be continued from January 30, 2023 to September 25, 2023, and that the pretrial motions deadline shall be continued to August 14, 2023. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the original January 30, 2023 trial date to the new trial date is EXCLUDED when computing the time within which Defendants' trial must commence under the Speedy Trial Act.

Dated this 10th day of January, 2023.

Lauren King

Lauren Vin

United States District Judge